

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

THOUSAND OAKS BARREL CO., LLC)
a Virginia limited liability company,)

Plaintiff,

V.

THE PARTNERSHIPS, COMPANIES, and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE A,

Defendants.

Civil Action No.: 1:23-cv-01563

**PLAINTIFF’S OPPOSITION TO DEFENDANT GWSK’S MOTION TO DISMISS
PURSUANT TO FED. R. CIV. P. 12 (b)(2), (4) &(5)**

Plaintiff Thousand Oaks Barrel Co., LLC (“Plaintiff” or “Thousand Oaks”), by counsel, hereby opposes the Motion to Dismiss (the “Motion”) filed by Defendant Guizhou Wei Shi Ke Ji You Xian Gong Si (using Amazon shop name “KOVIZE”) (“GWSK”) (Defendant No. 59 on Schedule A to the Complaint).

GWSK's sole accusation in its Motion is that it was not properly served the complaint in this action with an accompanying summons. As far as not receiving service under Rule 4, the Defendant's allegation is correct, it has not been served with a summons. Under Fed. R. Civ. P. 4(m), Thousand Oaks has 90 days from the filing of the complaint to serve GWSK. Since the complaint was filed on November 16, 2023, Plaintiff has until February 16, 2024 to serve the complaint upon GWSK.

Thus, GWSK has no basis to allege dismissal of the complaint prior to the 90 day period under Rule 4(m), and therefore the Defendant's Motion should be denied. \

Additionally, Thousand Oaks proposes to file the amended complaint in Exhibit A, which is directed specifically at GWSK as the sole defendant, which the Court can assign a new case number in order to extract it from the omnibus present case against the Schedule A defendants.

CONCLUSION

For the reasons stated above, Thousand Oaks requests the Court to deny GWSK's motion, and grant leave for Thousand Oaks to file a new case with an Amended Complaint against GWSK as the sole defendant.

Date: January 17, 2024

Respectfully submitted,
WHITESTONE LAW PLLC
by Counsel

/s/ Kendal M. Sheets
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LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 17TH day of January, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will serve all counsel of record in this case.

Date: January 17, 2024

Respectfully submitted,
WHITESTONE LAW PLLC
by Counsel

/s/ Kendal M. Sheets
By: Kendal Sheets